

Letter to the Judge: Robyn Tawofsky  
Robert + Davis; heir to Lloyd Davis  
Estate Not de Facto  
administrator

It ON Record That I was not  
serve No Probate

Exhibit A. Page 7-8 see  
~~Ref~~ Report and Recommendation  
to the Honorable ANALISA TORRES

~~Lloyd~~ Lloyd Davis Heirs was never  
serve ~~only~~ His 50% was not recognise  
I need hearing to brake illegal  
trust



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EX 1617 A

as in compliance with the requirements of RPAPL § 1351(1); and it is further ORDERED, that the purchaser or purchasers at such sale be let into possession on production of the Referee's Deed; and it is further ORDERED AND ADJUDGED, that the each and all of the defendants in this action and all persons claiming under them, or any or either of them, after the filing of such notice of pendency of this action, be and they hereby are, forever barred and foreclosed of all right, claim, lien, title, interest and equity of redemption in the said premises and each and every part thereof.

(See ECF 71, Reply Affidavit of Brian Carroll ("Carroll Reply Aff.") Ex. C, Notice of Entry for the Judgment of Foreclosure and Sale of the Property ("Foreclosure Judgment") at 4-7.) Plaintiff, although not a defendant in the state court action, is the successor-in-interest to College Equity. (See ECF 90, Pl.'s Oct. 18 Letter at 2 (citing N.Y. City Administrative Code § 11-340 and CPLR 6501(a)).) Plaintiff takes the position that it retains an interest in the Property notwithstanding the foreclosure, because the Property has yet to be sold at public auction; Plaintiff contends that it may exercise its right to redemption by paying off the full amount owed on the debt on which the foreclosure was based prior to any sale at public auction. (See ECF 90, Pl.'s Oct. 18 Letter at 3 (citing *NYCTL 1999-1 Tr. v. 573 Jackson Ave. Realty Corp.*, 13 N.Y.3d 573, 579 (2009)).)

On June 6, 2024, the state court judgment of foreclosure of sale was entered in the Office of the Clerk of the Bronx County, and on June 11, 2024, notice was sent to all appearing and consenting defendants of record, which did not include Davis, with a carbon copy sent to Plaintiff. (See ECF 71, Carroll Reply Aff. Ex. C, Foreclosure Judgment at 4.) On October 24, 2024,

EXHIBIT A

the Bronx County court granted an unopposed motion for a 180-day extension to conduct the sale of the Property. (See ECF 90, Pl.'s Oct. 18 Letter at 1 (citing *NYCTL 1998-2 Trust*, No. 26736/2019E, NYSCEF Doc. No. 120).)

B. Federal Court Action

Plaintiff commenced this federal court action with the filing of the Complaint on June 24, 2024, 18 days after entry of the Foreclosure Judgment. (See ECF 1, Compl.) Plaintiff asserts claims under New York law to quiet title to the Property under Article 15 of the New York Real Property Actions and Proceedings Law ("NYRPAPL") (Count I); partition and sale of the Property under Article 9 of the NYRPAPL (Count II); and ejectment of any occupants residing at the Property under Article 7 of the NYRPAPL (Count III). Plaintiff also asserts federal law claims for appointment of a receiver (Count IV) and for declaratory judgment on eleven separate grounds (Count V). Plaintiff's request for declaratory judgment asked that the Court enter judgment declaring the following: (1) that the Plaintiff has a valid 50% ownership in the Property; (2) that Defendants and each person or entity claiming from them is permanently barred from any claims asserting an interest in the Property that is adverse to Plaintiff's interest; (3) that the Property is so situated that a sale of the Property under the direction of the Court is necessary; (4) that Plaintiff is a tenant in common in fee simple absolute of an undivided one-half interest in the Property; (5) that the Estate of Lloyd Davis is a tenant in common in fee simple absolute of an undivided one-half interest in the Property; (6) that the proceeds from the sale be divided between Plaintiff and the Estate of Lloyd Davis according to their respective rights in the Property after both payment of costs of the federal court action and appropriate adjustments made based on an accounting that includes restitution to Plaintiff for any fines and penalties